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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,835

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David S. Seitz

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1783

NOTIFICATION DATE

DELIVERY MODE

08/02/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,835	<b>Applicant(s)</b> SEITZ ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1783	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) 39-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Withdrawal of Finality***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray, III et al. (USPN 4,435,461) in view of Mikami et al. (USPN 6,524,675).

Gray, III et al. disclose a structured paper release liner (Column 4, lines 25 – 28) for use with an article backed with a pressure sensitive adhesive (Column 2, lines 20 – 24), said liner comprising: a piece of paper comprising fibers and having a release side free of a structural support layer, a back side (Column 4, lines 25 – 28), and a structured release surface having a pattern formed into, so as to deform the fibers of, said paper on said release side (Column 6, lines 1 – 3); and a release material bonded so as to contact, and follow the pattern formed into, said

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structured release surface of said paper (Column 5, line 55 to Column 6, line 3), wherein said release material does not form a structural support layer (Column 5, lines 54 - 65) as in claim 33. For claim 37, the backside of the paper is relatively flat (Column 5, lines 37 - 42, wherein the press roll keeps the paper relatively flat). However, Gray, III et al. fail to disclose wherein the pattern formed in said paper is dimensioned so as to form fluid egress channels in a bonding surface of the pressure sensitive adhesive, when the pressure sensitive adhesive is applied to said structured release surface or said structured release surface is forced into the bonding surface of the pressure sensitive adhesive, such that the fluid egress channels define a structured bonding surface having exit pathways for at least some of the fluid to bleed out from behind the article when the article is adhered to a substrate, said pattern comprises a plurality of outwardly extending protrusions that are sized and shaped so as to penetrate and form fluid egress channels in the pressure sensitive adhesive that is applied onto said structured release surface, the pattern formed in said paper on said release side is a contiguous square pyramidal pattern with a shallow angle of up to about 45 degrees, said paper further comprises a support material on said back side of said paper and said structured release surface is a microstructured release surface.

Mikami et al. disclose a release liner (Figure 1, #26) wherein the pattern formed in said paper is dimensioned so as to form fluid egress channels in a bonding surface of the pressure sensitive adhesive (Abstract, lines 3 - 9), when the pressure sensitive adhesive is applied to said structured release surface or said structured release surface is forced into the bonding surface of the pressure sensitive adhesive (Column 2, lines 26 - 30), such that the fluid egress channels define a structured bonding surface having exit pathways for at least some of the fluid to bleed

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out from behind the article when the article is adhered to a substrate (Column 2, lines 1 – 6), said pattern comprises a plurality of outwardly extending protrusions that are sized and shaped so as to penetrate and form fluid egress channels in the pressure sensitive adhesive that is applied onto said structured release surface (Figure 1, #26; Column 2, lines 1 – 6), the pattern formed in said paper on said release side is a contiguous square pyramidal pattern with a shallow angle of up to about 45 degrees (Column 7, lines 35 – 39), said paper further comprises a support material on said back side of said paper (Column 8, lines 45 – 60) and said structured release surface is a microstructured release surface (Column 3, lines 11 – 13) for the purpose of having desirable properties of positionability and fluid egress without adversely affecting the surface appearance of the adhesive article.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the pattern of channels to allow fluid egress in Gray, III et al. in order to have desirable properties of positionability and fluid egress without adversely affecting the surface appearance of the adhesive article as taught by Mikami et al.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 33 - 38 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer  
Primary Examiner  
Art Unit 1783

/Patricia L. Nordmeyer/  
Primary Examiner, Art Unit 1783